

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
420**

**INMATE DEATH OR SERIOUS INJURY PROCEDURE
(TEMPORARY)**

Supersedes: AR 420 (11/14/08)

Effective Date: 02/24/11

AUTHORITY

NRS 134.120

NRS 209.131

NRS 440.415

NRS 450B

NRS 451.400

Nevada Administrative Code

RESPONSIBILITY

All Department staff involved are responsible to have knowledge of and comply with this procedure.

420.01 INMATE DEATHS OR SERIOUS INJURY PROCEDURE - DISCOVERY

1. The first staff person who discovers a dead body, crime scene, or evidence related to a crime, shall take every precaution to assure that all evidence is protected.
2. Upon discovery of a deceased inmate, the Shift Supervisor shall be notified immediately. The immediate area shall be secured and no one other than a medical staff member will be allowed to enter until Department investigators, the coroner, or outside law enforcement officials arrive. The Shift Supervisor shall notify the Associate Warden, Warden and the Inspector General's Office to report the death.
3. Common sense and humane treatment shall prevail.
 - A. Initiate life saving measures, if necessary.
 - B. A hanging inmate shall be cut down; however, any ligature shall remain on the body whenever possible.
 - C. The body shall not be left unattended.
 - D. No item shall be moved from or about the secured area.

4. The scene shall be photographed and videotaped following the guidelines established in Administrative Regulation 458.
5. The staff person(s) who discovers the body shall write a comprehensive incident report prior to leaving the institution/facility. This report shall be entered into NOTIS.
6. Upon notification, Medical personnel shall proceed to the scene and confirm the death, but will in no way disturb the scene or any of the evidence.
 - A. Only a Doctor of Medicine, a Doctor of Osteopathic Medicine, the Coroner, and a Coroner's Deputy; or when authorized, a Registered Nurse, or a Physician Assistant, can pronounce a person legally dead.
 - B. In the event a medical officer is not available, the Department on-call health care professional shall be contacted to examine the body and determine death.
7. The Shift Supervisor shall have the primary responsibility of assuring that nothing is moved or tampered with, including the complete preservation of the scene, prior to the arrival of the representative from the Inspector General's Office and the Coroner. Upon the arrival of the Coroner, staff shall assist and cooperate with the investigation as is appropriate and necessary.
8. After obtaining permission from the Coroner and after the initial investigation is completed; the body of the deceased shall be covered and removed to the morgue, mortuary, or private room in the infirmary.
 - A. If the death is an apparent suicide (which will be considered an unresolved death) or if the death is under suspicious circumstances, the Coroner shall be requested to inform the morgue/mortuary that the body is not to be embalmed until a full and complete criminal investigation is conducted.
 - B. Bodies shall be removed as expeditiously as circumstances will permit.
9. Investigation of crimes involving great bodily injury or homicides shall be coordinated between the Department's Inspector General's Office and relevant law enforcement officials.
 - A. The local sheriff's office may be requested to assist in appropriate aspects of the investigation, as circumstances require.
 - B. Requests for assistance from the Department of Public Safety, Investigations Division and the Attorney General's Office shall comply with related agency assist agreements and will be coordinated by the Department and local sheriff's office.
10. Employees of the Department should assist the coroner or local law enforcement in the investigation as is appropriate and to cooperate in every way necessary.

11. States housing contract and interstate compact inmates in the Department will be notified concerning the incident by the Offender Management Division Administrator.

420.02 DEATH OR SERIOUS INJURY DURING NON-BUSINESS HOURS

1. The Shift Supervisor shall immediately notify the following, in order, when a death or serious injury occurs during non-business hours:

A. On-duty medical staff;

B. Both Associate Wardens or Facility Manager;

C. Local Police Department or Sheriff;

D. Institutional Investigator and Inspector General's Office;

E. Warden;

(1) The Warden shall immediately notify the Director, and the applicable Regional Deputy Director.

F. Warden/Designee Emergency Call Center (775-887-3406)

(1) The Emergency Call Center is responsible for notifying the Offender Management Division (OMD) of all inmate deaths as soon as is practical on the next working day.

(2) The OMD Administrator will notify the Department's Statistician;

G. Coroner, if there is a death;

H. Chaplain. The Chaplain shall notify the next-of-kin;

I. The Office of the Attorney General's Criminal Division shall be notified within 24 hours in the case of suspicious death by the staff of the Inspector General's Office.

420.03 DEATHS OR SERIOUS INJURY DURING REGULAR BUSINESS HOURS

1. If a death occurs in one of the institutions during regular business hours, the Shift Supervisor shall immediately notify the following in sequential order:

A. On-duty medical staff;

B. The Warden, Associate Wardens or Facility Manager;

C. Institutional Investigator and Inspector General's Office;

- D. Local Police Department or Sheriff;
- E. The Warden shall immediately notify the Director or appropriate Regional Deputy Director;
- F. The Administrator of the Offender Management Division;
- G. The Chaplain, who shall notify the next-of-kin;
- H. The Department's Public Information Officer shall notify the press following verification that the next-of-kin has been notified or cannot be located.
- I. The Office of the Attorney General's Criminal Division shall be notified within 24 hours in the case of suspicious death by staff of the Inspector General's Office.

420.04 DUTIES OF OTHERS

1. Physician

- A. The physician may consult with the coroner to determine if the death was caused by natural or unnatural causes, or if suspicious circumstances exist.
- B. If the death was by unnatural causes or if suspicious circumstances exist, the physician shall contact the Inspector General's Office.

2. Coroner

- A. In the case of a death, the body shall be released only upon instructions from the coroner.
- B. Prior to the removal of the deceased from institutional grounds, the coroner shall sign a body receipt for the remains.
- C. The body shall not be moved except at the direction of the coroner and upon the completion of the investigation.
- D. The coroner is responsible to determine the necessity of an autopsy in the event of an inmate death which may be suspicious or unnatural.

3. Institutional Warden or Facility Manager

- A. Initiate an investigation or other custody measures as indicated.
- B. The Director/Warden may, if needed, request of the coroner that an inquest be held. However, the final decision rests with the coroner who has the sole legal responsibility for calling an inquest.

C. Make appropriate notifications as outlined in Sections 420.02 and 420.03 of this regulation.

4. Upon receiving information that an inmate has died, the Associate Warden shall:

A. Assure that all available records, including the "I" file, medical records, mail, and visiting records are secured.

B. Ensure that the Chaplain has access to the list of names, relationships, and addresses of relative and friends to be notified in case of death as indicated previously by the inmate.

C. Ensure all reports are received and an incident report is submitted.

D. Prior to the release of the body, ensure that the inmate is positively identified.

E. Coordinate the Department's and other agency activities related to the incident.

F. Other duties as assigned.

5. Chaplain:

A. The Chaplain shall attempt to inform the decedent's next-of-kin.

B. When the Chaplain is not available, the Associate Warden or designee shall notify the next-of-kin.

C. The next-of-kin information shall be maintained and updated every six months by the institution/facility staff during the inmate's periodic classification review.

6. If the death was by natural causes, the Associate Warden shall direct that the contract mortuary be contacted.

7. The Offender Management Division Administrator will notify the Department's Statistician to obtain the death certificate.

8. Inspector General staff will, within 24 hours, notify the Office of the Attorney General, Criminal Investigation Division concerning all cases involving suspicious deaths.

420.05 DEATHS OCCURRING AT A PLACE REMOTE FROM AN INSTITUTION

1. If a death occurs in a camp, while fighting fire, or while in transit between institutions, the Department's officer in charge shall take the following actions:

A. Summon proper custodial support, as appropriate to the situation.

B. If necessary, summon nearest medical response for life support.

- C. Seek and follow the instructions of the local coroner .
- D. Notify the Administrator of the OMD and the Warden of the gatekeeper institution by telephone and seek further instructions.
- E. Notify all local officials, as required.
- F. Complete and submit a final report containing the circumstances, investigations, all arrangements, etc., to the Warden of the gatekeeper institution, if applicable.

420.06 DISPOSITION OF THE DECEASED INMATE'S PROPERTY

1. The property of the deceased inmate shall be immediately secured, inventoried, and placed in safe storage at the institution or facility, pursuant to AR 711.
2. If all or part of the inmate's property is required for an investigation into the circumstances of the death, that property shall be accounted for by receipt to the investigative agency.
3. The Associate Warden or Facility Manager shall conduct such inquiry necessary to determine if that inmate died with or without a will. The Chaplain may be asked to help with this inquiry.
4. If a will exists, the inmate's property and any money on their account, after deductions, with the Department shall be released to the executor of the estate by the Associate Warden or the Facility Manager, but only after any investigations are complete.
 - A. Funds received after the inmate's death will be returned to sender.
 - B. Distribution of dividends and other income received after the inmate's death will be determined on a case-by-case basis.
5. When an Inmate Dies
 - A. Without a known will, the inmate's property and any money on their account with the Department shall be released to the next-of-kin.
 - (1) The Associate Warden/Facility Manager is responsible to coordinate the release of these funds/property.
 - (2) All investigations shall be completed prior to the release of these funds/property.
 - (3) The Associate Warden, Facility Manager, the Administrator of the OMD, an Administrator from Support Services, and the Office of the Attorney General (see NRS 134.120, Chapter 54) shall determine the appropriate distribution of all funds and property.

(4) Without a known will and no known next-of-kin, the accounts of the inmate shall remain frozen and the property held in safe storage.

6. If the inmate's property and funds are valued under \$20,000, the Affidavit of Distribution without Administration requires the signature of the next-of-kin prior to distribution of funds and/or property per NRS 146.080. This is true whether an inmate dies with or without a will.

A. The original document shall be placed in the C-File.

B. One copy shall be placed in the I-File.

C. One copy shall remain with the property records.

D. One copy shall be forwarded to Inmate Services.

7. The Associate Warden or the Facility Manager shall prepare documentation that serves to facilitate these actions and to record the results.

420.07 INMATE DONATION OF REMAINS FOR ANATOMICAL PURPOSES

1. Inmates may, if they choose, sign Consent - Anatomical Disposition, DOC-2567, authorizing release of the inmate's body in the event of death to the School of Medical Science, University of Nevada, Reno.

A. The acceptance shall be governed by the Uniform Anatomical Gift Act, NRS 451.440.

2. The next-of-kin of a deceased inmate may authorize release of the body for medical science according to the Uniform Anatomical Gift Act. Form DOC-2567 Consent - Anatomical Disposition, is available for this purpose.

420.08 FUNERAL EXPENSES

1. When the family elects to claim the body of a deceased inmate, they shall be responsible for all costs incurred. The Department may, upon approval of the Director or Deputy Director of Support Services, pay for shipping costs of the body if the costs are less than cremation expenses.

2. In the event the family declines to claim the body, the Department will only pay for cremation costs for the deceased inmate.

420.09 AUTOPSIES OR POST-MORTEM EXAMINATIONS

1. **The coroner is responsible to determine the necessity of an autopsy in the event of an inmate death which may be suspicious or unnatural.**

420.10 DOCUMENTATION

1. Records and reports required for deaths occurring on the Department's property, or during official absences from the institution, shall meet the following requirements:

A. All personnel who possess information regarding the circumstances surrounding the death shall submit a report to the Warden/Facility Manager. These reports shall be completed in accordance with the provisions of AR 121.

B. The following personnel shall submit reports:

(1) Any staff member who was on the scene at the time of an incident;

(2) Any staff member discovering the body;

(3) Any medical personnel who attempted life-saving emergency treatment, including Form DOC-2514, Medical Report of Incident, Injury or Unusual Occurrence.

C. Reports shall be as specific as possible, listing the employee's role, names of other persons on the scene, observations, and timing of events.

D. The OMD is responsible for obtaining a death certificate, which will be placed in C-File.

(1) A copy will be forwarded to Inmate Services.

(2) A copy will be forwarded to Department Accounting.

(3) A copy will be forwarded to the institution/facility where the inmate died.

(4) A copy will be forwarded to the NDOC section of the Office of the Attorney General.

420.11 NOTIFICATION OF NEXT-OF-KIN

1. Medical staff shall notify the Warden, Associate Warden or a designee whenever an inmate becomes seriously ill, requires surgery, or experiences a serious accident. The Warden, Associate Warden or designee shall notify the Institutional Chaplain. The Institutional Chaplain shall notify the family or next-of-kin. In the absence of a chaplain, the Associate Warden or other administrator trained in crisis intervention and counseling shall make such contact.

2. Upon the death or serious injury of an inmate, and after receiving the approval of the Warden, the Chaplain or other designee as noted above shall notify the next-of-kin of the death.

A. Communication with the next-of-kin shall take place as rapidly as possible by the use of telephone or other methods.

B. The communication shall be tactfully worded and offer consolation.

C. Prior to making contact with the next-of-kin, the Chaplain or other designee shall contact the Warden to determine if there is information needed by the Department in regard to the deceased or their burial.

D. With approval from the Warden, the Chaplain/designee may notify the next-of-kin of the nature and cause of death, and the address of the coroner's office for the purpose of claiming the deceased remains. The next-of-kin of the deceased inmate may authorize the release of the body for medical science according to NRS 451.440 by completing the appropriate form.

E. The Chaplain/designee shall keep the Warden, Shift Supervisor or Caseworker informed of the results of their contacts.

F. The Associate Warden or Facility Manager shall coordinate with Support Services to affect the disbursement of the deceased's property and trust account funds as outlined in section 420.06.

3. The Warden shall send a letter to the next-of-kin within one week of the inmate's death. The letter shall express condolences and refer the next-of-kin to the Associate Warden or Facility Manager for the disbursement and distribution of personal property.

4. **It is imperative that the "Next-of-Kin" form be maintained and updated in the Institutional file** to assure accurate information is available to administration at the time of illness or death of an inmate,. This information shall be entered at the initial intake process and shall be updated by Caseworkers at all regular reclassification hearings.

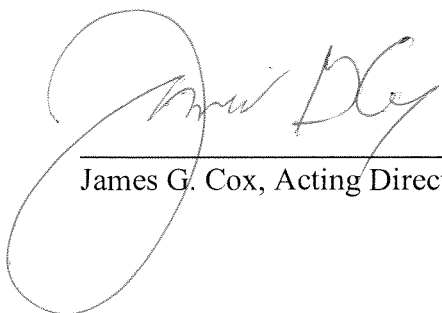
APPLICABILITY

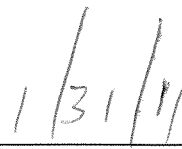
1. This AR requires an Operational Procedure for all institutions/facilities.

2. This AR requires an audit.

REFERENCES

ACA Standards 4-4395, 4-4325



James G. Cox, Acting Director

Date